

The Evening Herald.

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PICKING WINNERS.

"WE WILL not need any help from the state committee in electing our candidates for the legislature. We have picked good, strong, competent men in whom our people have confidence, and they will elect themselves."

This statement was made at the meeting of the Democratic state committee yesterday by a member of the committee from a county which heretofore has been debatable territory in legislative elections. It is fairly representative of the independent spirit with which a majority of the Democrats who attended the state convention are going into the legislative campaign. The idea in this statement was not that the legislative candidates were to be left unassisted and without a campaign; but that there was a foundation of merit and public confidence on which to make a real campaign.

The urgent demand of the people for strong legislative material is being reflected in Democratic house nominations all over this state. The selections are in almost every instance men of a higher caliber than we have ever hoped to get into the New Mexico legislature; men who will not be Democrats alone, but who will be business men and patriotic citizens working for the welfare of the state.

In Lincoln county, one of the close counties, the Republicans have nominated Clement Hightower. There is nothing special about Mr. Hightower. He has been quite prominently identified with the Republican machine in the past, having served in various public capacities under the machine. He has no special ability and his only recent claim to distinction is his endorsement of the candidacy of Eliegar Baca for congress.

The Democrats have nominated Hon. John Y. Hewitt, pioneer, distinguished lawyer, one of the big-brother men of the southwest, of ripe legal and legislative experience; a man whose training, experience, high integrity and breadth of view will make his service in the house invaluable to the people.

Enthusiasm such as was displayed in the state convention here, is a mighty good thing. When you back up this brand of enthusiasm with nominees of the type of Judge Hewitt, you have framed a combination which simply cannot be defeated.

The case of Lincoln county is not an isolated instance. From San Juan county to the Pecos, and from Dona Ana county to Union, the Democrats have nominated, or are preparing to nominate, strong, capable men. With the thorough, clean, aggressive campaign mapped out in this city yesterday by the state committee, it begins to appear that we will elect them all.

A GRAND OLD PICKLE.

ONE of the speakers in the Democratic state convention Monday evening read to the assembled delegates a description of the Republican party of New Mexico as it stands before the people today. It was an authoritative description, for it was from the Republican banner in New Mexico, which, while Progressive in its tendencies, stands as the leading Republican paper of the state, both when the party is right and when it isn't. The editorial which the speaker quoted in part is a classic of its kind. It was written in connection with the recent Republican outbreak in this county and was directed especially to Bernadillo county Republicans, although being made to apply to the party management throughout the state. As a classic production in denunciatory literature it is worth reproduction and wide circulation, if for no other reason. The part quoted by the speaker in Monday's convention follows:

The Republican party as it is now managed in New Mexico is rotten to the core and the cancer of bowdlerism and crookedness and scheming self interest has eaten into it so far that there is no hope for it.

The Republican party in this state is full of good, clean, honest

men who believe in Republican principles; but they are helpless, they have no voice in its official councils and no hand in its leadership. They have been dominated and led for years by professional politicians of the most unscrupulous type, by wealthy tax dodgers and shifty wire-pullers, habitual office seekers, booters of the public, men who rule by cunning and by bullying.

Republican politics in New Mexico has encouraged law-breaking and corruption, illiteracy and backwardness. It has sought to block every move toward progress and every forward step the state has taken has been in spite of the Republican party.

Its leaders have been men who use politics and public office as a means of protecting themselves in illegal and unscrupulous machinations, who use legislative assemblies as tools to pass laws to swell their private fortunes, to enable them to escape the just burdens of taxation, to secure inordinate tracts of land, to illegally control valuable resources, to bulldoze the public, to mislead the small taxpayer, to intimidate voters and corrupt elections, to hold back the public schools, to make it difficult for the small man to realize the great opportunities that ought to be his in this big, new state.

You all know them; you know how in past years they have bought votes, they have connived at all kinds of crookedness, have winked at crime, have fought each other with tooth and tongue in the greed for public office and public plunder, have paid their henchmen with money contributed by you and me for legitimate public expenses, and made New Mexico synonymous with dirty little peanut politics and graft throughout the nation.

With an editorial utterance such as the above coming from one of the leading newspapers of the state, Republican in principle and faith, is it any wonder that men mentioned in connection with the Republican nomination for congress hasten indignantly to deny that they will accept such a nomination; and that Republican machine candidates for the house of representatives are looked on by the people with doubt?

The Grand Old Party of Lincoln and Garfield and perhaps of Teddy Roosevelt in these parts is getting to be a grand old pickle.

AN IDEA WITH A PUNCH.

QUICKLY, persistently and very thoroughly the committee of business men who have undertaken to pave the way for a Y. M. C. A. organization and home in Albuquerque are doing their work. The Y. M. C. A. idea is being presented to man after man and wherever it is presented it takes hold. When the active campaign for the building opens in November it will sweep to success over any obstacle that may remain in its way at that time.

Any public enterprise which arouses enthusiasm and enlists energetic support of successful merchants and professional men is bound to have merit. It is bound to be an enterprise which is of benefit to the community. It is this kind of backing which has made the Y. M. C. A. a successful national and international organization of independent units and which has established the Y. M. C. A. building as one of the essential landmarks of the successful, progressive, growing community.

In turn it is the clear, sheer merit of the Y. M. C. A. idea which has appealed to the imagination and sound judgment of the trained minds of successful merchants and professional men and which has aroused their enthusiasm and enlisted their support. This instant appeal of a sound idea to a clear, trained mind is at the bottom of the gigantic success of the Y. M. C. A.

A clean, healthy, vigorous mind in a clean, healthy, vigorous body: This is the big idea in the Y. M. C. A. It is the idea which has appealed to successful, able men all over this country. To such men the promotion of this idea among the boys and young men of the community is worth while because it is getting results. The trained business man of experience instantly "gets" the idea that the employee with a vigorous, efficient body is worth just twice in service what can be had from the employee with a half dormant mind in a body only fifty per cent efficient. Aside from all moral and religious influence the Y. M. C. A. idea makes not only for individual but for community efficiency; it is a result getter. As such its appeal is instant, insistent and strong. It is taking hold in Albuquerque just as it has in every other live community in this country where it has been introduced.

ON MERIT ALONE.

NO PUBLIC man of this state, in all its history, ever has received so enthusiastic and spontaneous a demonstration of popular approval as that given to H. B. Ferguson in Elks' theater Monday night immediately following his nomination for congress.

It ever a convention was free from commercial politics it was this splendid gathering of party volunteers. As one of the speakers pointed out, they came here at their own expense, without a thought of selfish interest and prompted only by party loyalty and a sense of high public duty; and they felt that duty to be performed fully in the selection of Mr. Ferguson to succeed himself in congress. It was a tremendous tribute to pure merit; a refreshing phenomenon in this degenerate day when we have come to look for the dollar mark behind every demonstration of popular enthusiasm for a man in political life. There were no dollars behind this demonstration. There was nothing behind it but one plain, unpretentious, conscientious citizen, sticking to his desk in sweltering Washington, against the protests of his friends and advisers, who urged him to come to New Mexico and look after his "fences" and who called him a fool because he did not do so. Mr. Ferguson is not an advertiser. We have criticized him for failing to let the people know fully the work he does and the aims he has in view. It seems we have not given the people of the state credit with as much interest in and attention to public affairs as they have given. It seems the people have managed to keep a pretty good check on the work of this particular congressman. It is clear that the rank and file of the Democratic party in this state has each a section of Mr. Ferguson's political fence to look after and that each one is right on the job. Beyond letting the fact that he wanted to be renominated be known, Mr. Ferguson did no campaigning. He left his case with the people and rested on his record. The nomination and the demonstration which followed it were a tribute to merit alone.

The Markets

Chicago, Aug. 19.—The brightest export situation was still the factor in the wheat market today, futures opening unchanged to 3c higher, and in the first hour of trading net advances of 2 1/2 @ 2 3/4 were scored. The volume of trade was fairly large.

The close was strong, despite profit taking, 15-16c to 20c yesterday.

Corn opened easy, 1/2c higher to 1/2c lower, but reacted in sympathy with wheat and made net advances over last night of 3/4c to 1c.

Heavy realizing sales sent prices back under yesterday's final figures and the close was steady, 3-3c to 1/2c down.

Oats opened 1/4c to 1/2c higher and advanced 1/2c to 1 1/2c over the previous close.

Provisions in the early trading sold from 5c to 25c over yesterday, in sympathy with grains and an advance in live hogs.

Wheat—Sept., 95c; Dec., \$1.01 1/2-1 1/4; May, \$1.08 1/4-1 1/2.

Corn—Sept., 79 1/2c; Dec., 79 1/2c. Oats—Sept., 43 1/2c; Dec., 46 1/2c. Pork—Sept., \$22.87; Oct., \$21.60. Lard—Sept., \$19.92; Oct., \$19.15; Jan., \$19.40.

Ribs—Sept., \$12.80; Oct., \$12.87.

Chicago Livestock.
Chicago, Aug. 19.—Receipts—14,000, 15 to 25 cents higher; bulk of sales, \$5.50 @ 9.25; light, \$9.00 @ 9.40; mixed, \$8.45 @ 9.40; heavy, \$8.45 @ 9.20; rough, \$8.45 @ 8.60; pigs, \$7.50 @ 8.50.

Cattle—Receipts 12,000; market steady; beefs, \$7.50 @ 10.20; steers, \$6.30 @ 9.20; stockers and feeders, \$5.40 @ 8.10; cows and heifers, \$4.50 @ 9.20; calves, \$5.00 @ 11.00.

Sheep—Receipts 20,000; market slow; sheep, \$4.00 @ 6.00; yearlings, \$4.00 @ 5.00; lambs, \$4.40 @ 8.25.

Kansas City Livestock.
Kansas City, Aug. 19.—Hogs—Receipts 1,000; higher.
Cattle—Receipts 5,000; steady.
Sheep—Receipts 2,000; steady.

Mercantile Paper.
New York, Aug. 19.—Mercantile paper, 6 1/2c per cent.

Lead and Spelter.
St. Louis, Aug. 19.—Lead firm, \$1.75; spelter, \$3.75.

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(Continued from Yesterday.)

Mr. Spratt to the Rescue.

(In which I discover that the Code Napoleon is by no means a negligible quantity.)

My dramatic appearance before the military tribunal had been none too soon. In accordance with the usual procedure the court had convened at six o'clock in the morning. In fact, at the moment of my appearance with the proof of Charles' innocence the judges were already preparing to retire for the consideration of their verdict; and that verdict could have been of one nature alone.

My proofs threw an entirely new complexion upon the affair. While insufficient to secure Charles' immediate acquittal, they were of a nature so startling—implicating, as they did, three powers of Europe and unveiling an international conspiracy—that an adjournment was immediately obtained. A week later, when the tribunal reconvened, Charles was acquitted with the merest formalities, his sword restored to him, and a little subsequently, he received the coveted legion of honor from the president's hand.

He told me afterward that he had never doubted the ultimate verdict of the court; what had driven him almost to frenzy was his inability to learn anything concerning me. Of my wild flight to Corsica he had been kept in complete ignorance.

Of this, and the ensuing death of the chief conspirators, they say I told the presiding judge in detail. But of all that I have not the least remembrance. A violent attack of meningitis, the result of the physical and mental distress which I had undergone, confined me to my bed for weeks, during most of which period I was raving in delirium. I lived over again and again those awful scenes in Corsica and aboard the yacht; and ever I seemed hurrying to catch a special train which just eluded me at every station on each railroad line of France.

When I opened my eyes at last to consciousness they fell first upon Charles' mother. I was back in my room in Clichy, and she was seated by his side, watching me with that anxious and yet serene gaze which I had learned to know during those arduous days after my first arrival there. When she saw recognition in my eyes she began to weep quietly. She bent down and pressed her lips to my forehead.

"Charles!" was my first word. "Hush!" she said, smiling, and tipped softly out of the room. A moment later she reappeared, Charles at her side. He knelt beside my bed and raised my fingers to his lips. He was attired in his complete uniform; I understood the meaning of that. There was no need to ask the judges' verdict.

We were supremely happy during those early days of my convalescence, when I could sit in my invalid chair under the pergola in the gardens, inhaling strength with every breath, of the soft September airs. In those days we four, Charles and I, his mother and our grandfather, the old comte, forged a link that has made our lives inseparable. We shall never part, any of us, so long as we live; and in spite of his four and eighty years I hope that there will be many more years of activity for the Comte d'Yves.

One day, when I was almost well, I suddenly thought of the bonds which I had brought back from Corsica; those famous bonds without which this history would never have been written. Nor Charles and I ever have met. I asked for them, and Charles' mother, who had been anticipating such a request, rose and brought them to me from the drawer of her escritoire.

"Is it not strange," I said, "that Magniff has not inquired for them? Or has he?"

Charles looked at his mother inquiringly, and she nodded her head. "Tell her, Charles," she said.

"Magniff will be here tomorrow," he answered. "Then he will require them."

"But what is he coming for besides?" I asked. And then the dreadful knowledge flashed over me. "For Clichy!" I demanded.

Charles nodded. "The interest fell due yesterday," he answered. "There is no hope of meeting it, Anne. Clichy must pass out of our hands; we have grown, in a way, reconciled to the loss and have already planned our future. We have packed everything and start tomorrow evening for Paris."

"Has not the tragic death of his son softened him?" I asked.

Charles laughed. "It has embittered him," he answered. "The fact is, Anne, he has aged greatly during the past month; he seems to be approaching a mental and physical breakdown; but with the death of Leopold he has concentrated all his thoughts upon the fulfillment of his long-cherished revenge for the affronts which he claims my grandfather put upon him so many years ago. I have pleaded with him to make some arrangement which would leave Clichy to us. Some of our foreign investments have turned out unexpectedly profitable and would permit us to take a new mortgage and keep up the estate. But Magniff's sole thought is his revenge—and so, for

morrow, Clichy surrenders to the enemy for the first time in her history."

"I could not restrain my tears. 'If only I had not sold him the bonds,' I said. 'Charles, grandfather, can such a bargain hold, seeing that I did not know the incalculable value that they were to him? Why, I could have obtained millions. You told me that he must have the bonds to deliver to the American government; that they are already sold. Why, I could have bankrupted him!'

"The word of the d'Yves has never been withdrawn, Anne," answered my grandfather. "What the law is, matters nothing. You sold the bonds; unless the sale itself were invalid in law, it were better to lose Clichy than to try to reclaim them upon the grounds you mention."

"But," I said angrily, "he owes me 50,000 francs for the bonds—the price at which I sold them. Can he not be made to pay this before we lose Clichy, so that we can meet the interest upon the mortgage?"

Charles shook his head sadly. "Under the law," he said, "he need not pay for the bonds until the formalities connected with their transfer have been completed. That is the reason why he has not asked for them before. He does not mean to pay for them before Clichy is his. You appealed to him upon this subject once before in vain. And we—well, I asked him again fruitlessly."

"We said no more. I wished to leave before Magniff's arrival, but the others vetoed this proposition emphatically."

"We must stay and surrender in person, Anne," they told me. "We'll haul down our flag."

And so, the following afternoon, we sat in the reception room awaiting the old banker's arrival.

He came at two o'clock. It was the first time that he had set foot in Clichy in some five and twenty years, and he did not conceal his sense of triumph. Shocked as I was at the change in him—for he presented the aspect of extreme old age—I could not but feel disgust at the insolence of his bearing, at the scarcely veiled contempt with which he treated us. His first word was as to the bonds; and when I had handed them to him, he scrutinized them for long, reading each letter carefully, as though to assure himself that I had not tricked him with a forgery. At last, satisfied, he handed me his receipt.

"If you will send me your future address, mademoiselle," he said blandly, "a check for fifty thousand francs will be sent to you within a week upon the conclusion of the legal formalities." And he sat back and gloated and rubbed his thin hands together, chuckling over our discomfiture.

My indignation overcame my powers of repression. I could not hold back the words that poured forth from my lips.

"So you have achieved your life purpose, your long-sought revenge," I cried. "You turn an old man from his home, the home of his ancestors during eight hundred years—and for some fancied slight in the long past. Well, make the most of your triumph during the few years of life remaining for you. But when he meets you before the judgment seat of the Almighty, how will you justify yourself? Hasn't life taught you anything? It's hard enough for all, but unless it teaches forgiveness and justice, compassion and humility, of what use is it? Has not your son's death shown you the futility of revenge, has it not taught anything to you?"

"Anne!" said Charles' mother imploringly.

The old banker smiled, as though the situation amused him. "I only claim my own," he answered, rubbing his hands again. "I am a business man, mademoiselle. Business knows none of the abstract qualities you have enumerated."

Then the grotesque came treading upon tragedy's heels. Our ancient servant flung open the door.

"Les Cooks, madame!" he announced impudently.

"The what?" cried Charles, startled. The ancient man explained. A char-banc, containing some Cook's tourists—foreigners, he expounded, apologetically—had come from Paris and begged permission to see the famous castle of which they had heard so much.

"Show them in," said Charles' mother. "Have tea made. Pray remain, Monsieur Magniff. This is your property now."

"It will be at six o'clock this evening," said the banker, implacably. "Les Cooks!" announced the serving man from the doorway, and upon the word a party of three entered—a man and two women. My eyes opened with amazement. Was I dreaming? Or were these really Mary Jenner, my one-time room-mate . . . and little Mr. Spratt . . . and Estelle Christie, whom I had left in London?

(Continued Tomorrow Afternoon.)

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WITCHCRAFT CASE FROM SIERRA REVERSED

Supreme Court Over-Rules Lower Court in One of Most Interesting Trials on Record in New Mexico.

The supreme court has reversed the famous witchcraft case from Sierra county which was known on the docket as The State vs. Eduardo Chavez et al. The case was tried at the May term, 1912, in Hillsboro with H. A. Wolford as prosecuting attorney, Senator Isaac Barth as the defense, and Judge Meehan on the bench. Chavez, Francisco Montoya and M. Trujillo, the defendants, were accused of assault with intent to murder an old Mexican woman who, they believed, had bewitched the mother of one of the defendants. At the trial the district attorney brought out a regular compendium on the beliefs regarding witchcraft which prevailed among some of the mountain people in Sierra county and elsewhere. The defendants admitted that the only way the bewitched woman could be cured was by either killing the witch or forcing the witch to take off the charm. In his instructions to the jury Judge Meehan said that there had been evident perjury committed and this instruction was held to be against Section 2904, Chapter 1 Laws of New Mexico which prohibits comment on the evidence by the trial judge. On this ground alone was the case reversed.

The reversal, District Attorney Tittman says, will create a sensation in Sierra county where those people who took sides against the defendants

have been living in a state of horror or fear for months because the defendants believed when the appeal was taken that it was equivalent to an acquittal, and they are afraid of further reprisals by the defendants.

The opinion was as follows: 1.—Sections 2984 and 2987, C. L. 1897, requires a continuance of a cause for absence of a witness only in cases where the applicant has "no other witnesses by whom such fact can be fully proved." Where, after the overruling of a motion for a continuance, the desired fact is fully proved by other witnesses, the ruling of the court in denying the continuance, even if technically erroneous when made is rendered harmless.

2, 3, 4.—Assignments of errors held not available upon well established rules of practice. 5.—An instruction that "there has been manifest perjury by witnesses who have testified in this case, as counsel for both sides have claimed in their argument. They, of course, differ as to which witnesses have testified falsely. It is for you to determine from all the evidence, which includes the appearance of the witness when testifying as well as what they said, that evidence you credit," held erroneous, as violative of section 2904 C. L. 1897, which forbids comment by the court upon the weight of the evidence.

TODAY IN CONGRESS.

SENATE.

Met at 11 a. m. Secretary Bryan conferred with the foreign relations committee over the Colombian and Nicaraguan treaties.

Senator Hitchcock introduced a bill to prohibit floating foreign war loans in the United States.

HOUSE.

Met at noon. Miscellaneous bills were taken up under the calendar Wednesday rule.

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